

NOT FOR PUBLICATION

(Doc. Nos. 10, 11)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

SOUTH JERSEY GAS COMPANY,

Plaintiff,

V.

MUELLER COMPANY, LTD.,
MUELLER GROUP, LLC, ECLIPSE
INC., ROCKFORD ECLIPSE, INC.,
ECLIPSE COMBUSTION AND/OR
POWER EQUIPMENT CO., et al.,

Defendants.

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Civil No. 09-4194 (RBK-JS)

ORDER

THIS MATTER having come before the Court upon a motion by Defendants Mueller Company, LTD and Mueller Group, LLC (collectively, “Mueller Defendants”) to dismiss the Complaint of Plaintiff South Jersey Gas Company (“Plaintiff”) for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6), or in the alternative, for summary judgment, and upon a motion by Defendants Eclipse, Inc., Rockford Eclipse, Inc., and Eclipse Combustion and/or Power Equipment, Co. (collectively, “Eclipse Defendants”) to dismiss Plaintiff’s Complaint for failure to state a claim; and the Court having considered the submissions of the parties; and for the reasons expressed in an Opinion issued today;

IT IS HEREBY ORDERED that the Mueller Defendants' alternative motion for summary judgment is **GRANTED**; and

Plaintiff is **HEREBY NOTIFIED** that the Court will treat the Eclipse Defendants' motion to dismiss as one for summary judgment pursuant to Federal Rule of Civil Procedure 12(d); and

IT IS FURTHER ORDERED that Plaintiff has until May 7, 2010 to respond to the converted motion.

Dated: 4-27-2010

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge